

**Title 49: Transportation: PART 580—ODOMETER DISCLOSURE REQUIREMENTS**

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AUTHORITY: 49 U.S.C. 32705, as amended; delegation of authority at 49 CFR 1.50(f) and 501.8(e)(1). SOURCE: 53 FR 29476, Aug. 5, 1988, unless otherwise noted.

(MAP-21: SEC. 31206. ODOMETER REQUIREMENTS; (b) ELECTRONIC DISCLOSURES OF ODOMETER INFORMATION.—Section 32705 of title 49, United States Code, is amended by adding at the end the following:

“(g) ELECTRONIC DISCLOSURES.—Not later than 18 months after the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012, in carrying out this section, the Secretary shall prescribe regulations permitting any written disclosures or notices and related matters to be provided electronically.”).

**§ 580.1 Scope**

This part prescribes rules requiring transferors and lessees of motor vehicles to make written paper or electronic disclosures, to transferees and lessors respectively, concerning the odometer mileage and its accuracy. It also prescribes rules requiring the retention of odometer disclosure statements by motor vehicle dealers, distributors, and lessors and the retention of certain other information by auction companies, as directed by sections 408 and 414 of the Motor Vehicle Information and Cost Savings Act as amended, 49 U.S.C. 32705.

## § 580.2 Purpose

The purpose of this part is to provide motor vehicle purchasers with odometer information to assist with assessing a vehicle's condition and value, by making disclosure of a vehicle's mileage a condition of title, and by requiring lessees to disclose to their lessors a vehicle's mileage at the time of transfer. It is also the purpose of this part is to preserve records for the proper investigation of possible violations of the Motor Vehicle Information and Cost Savings Act and for any subsequent prosecutorial, adjudicative, or other action.

## § 580.3 Definitions

Terms defined in sections 2 and 402 of the Motor Vehicle Information and Cost Savings Act are used in their statutory meaning. Other terms used in this part are defined as follows:

*Lessee* means any person, or the agent for any person, to whom a motor vehicle has been leased for a term of at least 4 months.

*Lessor* means any person, or the agent for any person, who has leased 5 or more motor vehicles in the past 12 months.

*Mileage* means the actual distance that a vehicle has traveled.

*Original power of attorney* means, for single copy forms, the document set forth by secure process which is issued by a State, and, for multi-copy forms, any and all copies set forth by secure process which are issued by a State. Such forms may be paper or electronic.

*Private Party* means any transferor or transferee which is not an State-authorized Dealer, Distributor, Auction, Lessor, Lender or Agent.

*Secure printing process or other secure process* means any physical or electronic process which deters and detects counterfeiting and/or unauthorized reproduction and allows alterations to be visible to the naked eye.

*State* any jurisdiction of the United States that issues motor vehicle titles, and the authorized agent(s) for any such jurisdiction.

*Transferee* means any person to whom ownership of a motor vehicle is transferred, by purchase, gift, or any means other than by the creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferee.

*Transferor* means any person who transfers his ownership of a motor vehicle by sale, gift, or any means other than by the creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for a transferor.

[53 FR 29476, Aug. 5, 1988, as amended at 54 FR 35887, Aug. 30, 1989; 56 FR 47686, Sept. 20, 1991; \_\_\_\_\_ 2013]

#### **§ 580.4 Security of title documents and power of attorney forms**

Each title shall be set forth by means of a secure physical or electronic process. In addition, State power of attorney forms issued pursuant to §§ 580.13 and 580.14, and State documents used to reassign titles, shall be set forth by a secure physical or electronic process.

[54 FR 35887, Aug. 30, 1989; \_\_\_\_\_ 2013]

#### **§ 580.5 Disclosure of odometer information**

(a) Each title, at the time it is issued to a transferee, must contain the mileage disclosed by the transferor when the vehicle was transferred, and space for the information required to be disclosed under paragraphs (c), (d), (e) and (f) of this section upon future transfer.

(b) Documents used to reassign titles shall contain space for the information required to be disclosed under paragraphs (c), (d), (e) and (f) of this section upon future transfer.

(c) In connection with each transfer of a motor vehicle, the transferor shall disclose the mileage to the transferee on a physical or electronic title, or on a physical or electronic document used to reassign title, except as noted below. A transferor in whose name a vehicle is titled shall, physically or electronically, disclose the mileage on the title and not on a reassignment document. The transferor must, physically or electronically, sign the disclosure and provide a printed name. In connection with a transfer in which more than one person is a transferor, only one transferor need sign the disclosure. The disclosure must contain the following information:

(1) The odometer reading at the time of transfer (not to include tenths of miles);

(2) The date of transfer;

(3) The transferor's name and current address;

(4) The transferee's name and current address; and

(5) The identity of the vehicle, including its make, model, year, and body type, and vehicle identification number (VIN).

(d) A reference to federal law that states that providing false or incomplete information may result in fines and/or imprisonment. Reference may also be made to applicable State law.

(e) In addition to the information provided under paragraphs (c) and (d) of this section,

(1) Transferors shall certify that, to the best of their knowledge, the odometer reading reflects the actual mileage, or

(2) Transferors that know that an odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit shall include a statement to that effect, or

(3) Transferors that know that an odometer reading differs from the actual mileage and that the difference is greater than that caused by an odometer calibration error, shall state that the odometer reading does not reflect the actual mileage and should not be relied upon.

(f) Transferees shall, physically or electronically, sign the disclosure statement, print their name, and return a copy to their transferors.

(g) If a vehicle has not been titled, or if the title does not contain space for the information required under this section, the disclosures required under this subsection shall be executed on a separate physical or electronic document.

(h) No person shall sign an odometer disclosure statement as both the transferor and transferee in the same transaction, except as permitted by §§ 580.13 or 580.14.

[53 FR 29476, Aug. 5, 1988, as amended at 54 FR 35887, Aug. 30, 1989; 56 FR 47686, Sept. 20, 1991; \_\_\_\_\_2013]

#### **§ 580.6 Electronic Disclosures**

The Motor Vehicle and Highway Safety Improvement Act of 2012 requires that all disclosures required by this part be allowed to be made electronically. The requirements of this section are designed to maintain and preserve the security of electronic disclosures.

(a) Transfers Involving Authorized Dealers, Distributors, Auctions, Lessors, Lenders or Agents

(1) Each State allowing for electronic odometer disclosures as required by this part may establish special processes for transfers involving authorized dealers, distributors, auctions, lessors, lenders and agents which reflect and recognize the statutory and contractual constraints such parties are bound by. Such processes shall provide for transfers involving both paper and electronic documents, and transfers involving only electronic documents. When such processes require the scanning, transmission, and retention of paper documents, including titles, reassignment forms, odometer disclosure forms, and/or secure powers of attorney, it must involve a secure electronic process with at least 300 dpi PDF (or equivalent) .

(2) Information submitted in support of a specific transfer or odometer disclosure shall be kept by States using G4 300dpi TIFF format (or equivalent) for the shorter of three years or the State's titling record retention period. Authorized dealers, distributors, auctions, lessors, lenders and agents shall comply with the record retention requirements set out in § 580.8.

(3) In lieu of establishing special processes transfers involving authorized dealers, distributors, auctions, lessors, lenders, and agents, states may require that all parties involved in making and receiving electronic odometer disclosures follow the personal identifier-based (PIN) system set out paragraph (b).

(b) Electronic Odometer Disclosures Transfers Involving Two Private Parties

(1) Each Private Party to a electronic odometer disclosure involving two Private Parties must have a State-assigned PIN. A Private Party requesting a PIN from a State must submit adequate identity verification information and certify, under penalty of perjury, that such information belongs to the requesting party. PINs must be generated randomly, be encrypted, and be kept as part of a Private Party's electronic State record. States shall issue PINs within fifteen minutes following receipt and review of valid identity verification information.

(2) When required by a State, any non-Private Party to an electronic odometer disclosure must have a PIN, as must all employees and agents authorized by non-Private Party to make or receive such disclosures. For any given disclosure, the PIN for both the business and the authorized employee or agent must be inputted.

(3) For any given transfer, the Private Parties must both verify the process request by selecting the type of transfer and inputting a VIN-specific verification of the vehicle.

(4) Once the VIN-specific information is submitted, the transferor shall input the vehicle sales price and all other information required to be disclosed under this part.

(5) Once all required information is received, the State shall issue within fifteen minutes a unique transfer number to the transferor, who shall then provide it to the transferee. The transfer shall remain in "pending" status until the transferee logs into the system using the unique transfer number and submits the information required under this part. Private Parties seeking and using unique transfer numbers must both certify, under penalty of perjury, that the vehicle VIN, the sales price, and all other information submitted pursuant to this part are accurate.

(6) Information submitted in support of a specific transfer request shall be kept by States in at least G4 300dpi TIFF format (or equivalent) for the shorter of three years or the State's titling record retention period.

(8) Once access to a transfer is verified, the transferee should receive the odometer reading and other information provided by the transferor. If all the data matches, the transfer will process and an electronic record of such shall be kept for the shorter of three years or the State's titling record retention period. A pending transfer not accurately affirmed by both transferor and transferee must be rejected, however the State must provide for at least one opportunity to make data entry corrections.

(c) Electronic signatures for all signatures and certifications required by this part must involve a secure electronic signature process with requirements consistent with 15 USC §7001. Electronic signatures may be made using a stylus or other device and may be kept electronically for the required period as specified in §580.8.

(d) Interstate Data Exchange and Record Production

(1) To facilitate interstate transactions, State electronic odometer disclosure transfer systems must process information in a manner compatible with the systems used by other States.

(2) Upon request, States must be able to produce secure records verifying the last electronic odometer disclosure transfer made for a given vehicle.

**§ 580.7 Disclosure of odometer information for leased motor vehicles**

(a) Before executing a transfer document, each lessor of a leased motor vehicle shall, physically or electronically, notify the lessee in writing that the lessee is required to provide a mileage disclosure to the lessor. This notice shall contain a reference to federal law that states that providing false or incomplete information may result in fines and/or imprisonment. Reference may also be made to applicable State law.

(b) In connection with a transfer of a leased motor vehicle, a lessee shall furnish to the lessor, physically or electronically, a written odometer statement. This statement must be signed, physically or electronically, by the lessee and, in addition to the information required by paragraph (a) of this section, shall contain the following:

- (1) The printed name of the person making the disclosure;
- (2) The current odometer reading (not to include tenths of miles);
- (3) The date of the statement;
- (4) The lessee's name and current address;
- (5) The lessor's name and current address;
- (6) The identity of the vehicle, including its make, model, year, and body type, and VIN.
- (7) The date that the lessor notified the lessee of disclosure requirements;
- (8) The date that the completed disclosure statement was received by the lessor; and
- (9) The signature of the lessor.

(c) In addition to the information provided under paragraphs (a) and (b) of this section,

(1) Lessees shall certify that, to the best of their knowledge, the odometer reading reflects the actual mileage; or

(2) Lessees that know that an odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit shall include a statement to that effect, or

(3) Lessees that know that an odometer reading differs from the mileage and that the difference is greater than that caused by an odometer calibration error, shall include a statement that the odometer reading does not reflect the actual mileage and should not be relied upon.

(d) If a lessor transfers a leased vehicle without obtaining possession of it, the lessor shall disclose on the title the mileage disclosed by the lessee under paragraph (b) and (c) of this section, unless the lessor has reason to believe that the disclosure by the lessee does not reflect the actual mileage of the vehicle.

#### **§ 580.8 Odometer disclosure statement retention**

(a) Dealers and distributors of motor vehicles who execute odometer disclosure statements shall retain for five years a copy of each, along with any other document submitted to a State in support of a transfer. Records shall be kept securely and in a manner that permits systematic retrieval. Paper disclosures may be scanned and converted for electronic storage using a secure electronic process involving at least 300 dpi PDF (or equivalent).

(b) Lessors shall retain for five years following the date they transfer a leased vehicle, a copy of the odometer disclosure statement received from the lessee. Records shall be kept securely in a manner that permits systematic retrieval. Paper disclosures may be scanned and converted for electronic storage using a secure electronic process involving at least 300 dpi PDF (or equivalent).

(c) Dealers and distributors of motor vehicles granted a power of attorney by a transferor pursuant to § 580.13, or by a transferee pursuant to § 580.14, shall retain a copy for five years. Records shall be kept securely in manner that permits systematic retrieval. Paper disclosures may be scanned and converted for electronic storage using a secure electronic process involving at least 300 dpi PDF (or equivalent).

[53 FR 29476, Aug. 5, 1988, as amended at 54 FR 35888, Aug. 30, 1989; \_\_\_\_\_2013]

#### **§ 580.9 Odometer record retention for auction companies**

Auction companies shall establish and retain, physically or electronically, for five years following each vehicle transfer, the following records:

- (a) The name of the most recent owner (other than the auction company);
- (b) The name of the buyer;
- (c) The VIN; and
- (d) The odometer reading on the date the auction company took possession of the vehicle.

Records shall be kept securely in a manner that permits systematic retrieval. Paper disclosures may be scanned and converted for electronic storage using a secure electronic process involving at least 300 dpi PDF (or equivalent).

**§ 580.10 Application for assistance.**

(a) A State may apply to NHTSA for assistance in revising its laws to comply with the requirements of the Motor Vehicle Information and Cost Savings Act, 49 U.S.C. 32705, and of this part.

(b) Each application filed under section shall—

(1) Be written in the English language;

(2) Be submitted, to the Office of Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE, West Building, Washington, DC 20590;

(3) Include a copy of the current motor vehicle titling and/or odometer disclosure requirements in effect in the State; and

(4) Include a draft of legislation or regulations intended to amend or revise current State titling and/or odometer disclosure requirements to conform to Federal requirements.

(c) NHTSA shall respond to the applicant, in writing, within 60 days of receiving a complete application, and shall approve a State's request unless it directly conflicts with Federal statutory or regulatory requirements.

**§ 580.11 Petition for approval of alternate disclosure requirements**

(a) A State may petition NHTSA for approval of disclosure requirements which differ from those set out in this part.

(b) Each petition filed under this section shall—

(1) Be written in the English language;

(2) Be submitted to the Office of Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE, West Building, Washington, DC 20590;

(3) Set forth the mileage disclosure requirements in effect in the State, including a copy of any applicable State law or regulation; and

(4) Explain how the State mileage disclosure requirements are consistent with the purposes of the Motor Vehicle Information and Cost Savings Act.



(c) A notice of such a petition and NHTSA's initial determination shall be published in the FEDERAL REGISTER within 60 days following receipt of a complete petition. Notice of a final grant or denial of such a petition must be published in the FEDERAL REGISTER within three months following publication of NHTSA's initial determination. The grant of a petition shall relieve a State from responsibility to conform the its disclosure requirements with this part, as applicable, for as long as the approved alternate disclosure requirements remain in effect in that State. The effect of a denial is to require a State to conform to the requirements of this part, as applicable, until NHTSA approves any alternate mileage disclosure requirements.

[53 FR 29476, Aug. 5, 1988, as amended at 56 FR 47686, Sept. 20, 1991; \_\_\_\_\_2013]

## **§ 580.12 Reserved**

## **§ 580.13 Disclosure of odometer information by power of attorney**

(a) If otherwise permitted by State law, if a transferor's title is physically held by a lienholder, or if it is lost and the transferee obtains a duplicate on behalf of the transferor, the transferor may give, physically or electronically, a power of attorney to the transferee for the purpose of mileage disclosure. The power of attorney shall be on a State-issued form set forth by means of a physical or electronic secure process. Part A of the form shall contain, a space for the information required to be disclosed under paragraphs (b), (c), (d), and (e) of this section. If a State permits the use of a power of attorney in the situation described in § 580.14(a), part B of the form must contain space for the information required to be disclosed under § 580.14, and part C of the form must contain space for the certification required to be made under § 580.15.

(b) In connection with a transfer of a motor vehicle, each transferor to whom a title was issued by a State whose title is physically held by a lienholder or has been lost, who elects to give his transferee a power of attorney for the purpose of mileage disclosure, must appoint the transferee his attorney-in-fact for the purpose of mileage disclosure and disclose the mileage on a power of attorney form issued by the State. This physical or electronic written disclosure must be signed, physically or electronically, by the transferor, and must contain, along with a printed name, the following information:

- (1) The odometer reading at the time of transfer (not to include tenths of miles);
- (2) The date of transfer;
- (3) The transferor's name and current address;
- (4) The transferee's name and current address; and
- (5) The identity of the vehicle, including its make, model year, body type and VIN.

(c) The power of attorney form shall contain a reference to federal law that states that providing false or incomplete information may result in fines and/or imprisonment. Reference may also be made to applicable State law.

(d) In addition to the information provided under paragraphs (b) and (c) of this section:

(1) Transferors shall certify, to the best of their knowledge, that the odometer reading reflects the actual mileage, or

(2) Transferors that know that an odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit shall include a statement to that effect, or

(3) Transferors that know that an odometer reading differs from the actual mileage and that the difference is greater than that caused by an odometer calibration error, shall state that the odometer reading does not reflect the actual mileage and should not be relied upon.

(e) Transferees shall, physically or electronically, sign the power of attorney form, print their name, and return a copy to their transferor.

(f) Upon receipt of the transferor's title, the transferee shall complete, physically or electronically, the space for mileage disclosure on the title exactly as disclosed by the transferor on the power of attorney form. The transferee, physically or electronically, shall submit, consistent with § 580.6, the power of attorney form to the State that issued it, with a copy of the transferor's title, or with the original title when the transferee submits a new title application at the same time. If the mileage disclosed on the power of attorney form is lower than that appearing on the title, the power of attorney is void and the transferee shall not complete the mileage disclosure on the title.

[54 FR 35888, Aug. 30, 1989, as amended at 54 FR 40083, Sept. 29, 1989; 56 FR 47686, Sept. 20, 1991; \_\_\_\_\_2013]

#### **§ 580.14 Power of attorney to review title documents and acknowledge disclosure**

(a) In circumstances where part A of a secure power of attorney form has been used pursuant to § 580.13 of this part, and if otherwise permitted by State law, a transferee may give a power of attorney to his transferor to review the title and any reassignment documents for mileage discrepancies, and if no discrepancies are found, to acknowledge disclosure, physically or electronically, on the title. The power of attorney shall be on part B of the form referred to in § 580.13(a), which shall contain space for the information required to be disclosed under paragraphs (b), (c), (d), and (e) of this section and, a space in part C for the certification required to be made under § 580.15.

(b) The power of attorney must include a physical or electronic mileage disclosure from the transferor to the transferee, the transferor's signature and printed name, and the following information:

(1) The odometer reading at the time of transfer (not to include tenths of miles);

(2) The date of transfer;

- (3) The transferor's name and current address;
- (4) The transferee's name and current address; and
- (5) The identity of the vehicle, including its make, model year, body type and VIN.

(c) The power of attorney form shall contain a reference to federal law that states that providing false or incomplete information, or the failure of a person granted a power of attorney to submit the form to the State, may result in fines and/or imprisonment. Reference may also be made to applicable State law.

(d) In addition to the information provided under paragraphs (b) and (c) of this section:

(1) Transferors shall certify, to the best of their knowledge, that the odometer reading reflects the actual mileage, or

(2) Transferors that know that an odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit shall include a statement to that effect, or

(3) Transferors that know that an odometer reading differs from the actual mileage and that the difference is greater than that caused by an odometer calibration error, shall state that the odometer reading does not reflect the actual mileage and should not be relied upon.

(e) Transferees shall sign, physically or electronically, the power of attorney form, and print their name.

(f) Transferors shall give a copy of the power of attorney form to their transferees.

[54 FR 35888, Aug. 30, 1989; \_\_\_\_\_2013]

### **§ 580.15 Certification by person exercising powers of attorney**

(a) Persons exercising a power of attorney under both §§ 580.13 and 580.14 must certify, physically or electronically, that they have disclosed on the title document the mileage provided on the power of attorney form, and that upon examination of the title and any reassignment documents, the mileage disclosure being made on a title pursuant to a power of attorney is greater than that previously stated on the title and reassignment documents. This certification shall be under part C of the same form as the powers of attorney executed under §§ 580.13 and 580.14 and shall include:

- (1) The signature and printed name of the person exercising the power of attorney;
- (2) The address of the person exercising the power of attorney; and
- (3) The date of the certification.

(b) If the mileage reflected by a transferor on a power of attorney is less than that previously stated on the title and any reassignment documents, the power of attorney shall be void.

[54 FR 35889, Aug. 30, 1989; \_\_\_\_\_2013]

#### **§ 580.16 Access of transferee to prior title and power of attorney documents**

(a) When a power of attorney has been used pursuant to § 580.13 of this part, a subsequent transferee who elects to return to the transferor to sign a disclosure on the title upon receipt by the transferor and who does not give the transferor a power of attorney to review the title and reassignment documents, may request and be shown by the transferor a copy of the power of attorney received from his transferor.

(b) Upon request by a transferee, a transferor granted a power of attorney by a transferor who holds title to a vehicle in its own name, must show to the purchaser a copy of the previous owner's title and the power of attorney form.

[54 FR 35889, Aug. 30, 1989; \_\_\_\_\_2013]

#### **§ 580.17 Exemptions**

Notwithstanding the requirements of §§ 580.5 and 580.7:

(a) A transferor or lessee of any of the following motor vehicles need not disclose the vehicle's odometer mileage:

(1) A vehicle having a Gross Vehicle Weight Rating, as defined in § 571.3 of this title, of more than 16,000 pounds;

(2) A vehicle that is not self-propelled;

(3) A vehicle that was manufactured in a model year beginning at least ten years before January 1 of the calendar year in which the transfer occurs; or

(4) A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications.

(b) A transferor of a new vehicle prior to its first transfer for purposes other than resale need not disclose the vehicle's odometer mileage.

(c) A lessor of any of the vehicles listed in paragraph (a) of this section need not notify the lessee of any of these vehicles of the disclosure requirements of § 580.7.

[53 FR 29476, Aug. 5, 1988, as amended at 54 FR 35888, Aug. 30, 1989. Redesignated at 62 FR 47765, Sept. 11, 1997; 63 FR 52632, Oct. 1, 1998; \_\_\_\_\_2013]

## **Appendix A to Part 580—Secure Printing Processes and Other Secure Non-Electronic Processes**

1. Methods to deter or detect counterfeiting and/or unauthorized reproduction of paper documents. .

(a) Intaglio printing—a printing process utilized in the production of bank-notes and other security documents whereby an engraved plate meets the paper under extremely high pressure forcing the paper into the incisions below the surface of the plate.

(b) Intaglio Printing With Latent Images—a printing process utilized in the production of bank-notes and other security documents whereby an engraved plate meets the paper under extremely high pressure forcing the paper into the incisions below the surface of the plate. The three dimensional nature of intaglio printing creates latent images that aid in verification of authenticity and deter counterfeiting.

(c) High Resolution Printing—a printing process which achieves excellent art clarity and detail quality approaching that of the intaglio process.

(d) Micro-line Printing—a reduced line of type that appears to be a solid line to the naked eye but contains readable intelligence under strong magnification.

(e) Pantograph Void Feature—wording incorporated into a pantograph by varying screen density in the pantograph. The wording will appear when attempts are made to photocopy on color copiers.

(f) Hologram—a defraction foil substrate, produced from a negative which was made by splitting a laser beam into two separate beams to produce a three dimensional effect.

(g) Security Paper—paper containing a security watermark and/or a security thread.

(h) Electronic Documents-encryption

2. Methods to allow alterations of paper documents to be visible to the naked eye.

(a) Erasure Sensitive Background Inks—a process whereby the text is printed in a dark color ink over a fine line erasure-sensitive prismatic ink tint.

(b) Security Lamination—retro-reflective security laminate is placed over vital information after it has been entered to allow for detection of attempts to alter this information.

(c) Security Paper—paper which has been chemically treated to detect chemical alterations.

(d) Electronic Documents-encryption?